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FEDERAL COMMUNICATIONS COMMISSION
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October 25, 2000

Via Hand Delivery

EX PARTE OR LATE FILED

Ms. Magalie Roman Salas
Secretary
Federal Communications Commission
445 12th Street, S.W., Room TW-A325
Washington, D.C. 20554

Re: *Ex Parte Communication, CC Docket No. 00-176*

Dear Ms. Salas:

On October 11, 2000, Kimberly Scardino and Rob Williams, both of Rhythms Links Inc., and myself met with the following members of the Policy and Program Planning Division of the Common Carrier Bureau to discuss Verizon's 271 application in Massachusetts: Ben Childers, Christopher Libertelli, Kathy Farroba, Eric Einhorn, Daniel Shiman, and Michael Jacobs. Also present were Praveen Goyal of the Accounting Policy Division, and Renee Terry and Jenniffer McKee of the Competition Pricing Division. The purpose of the meeting was to discuss Rhythms' opposition to granting 271 authority to Verizon in Massachusetts, as more fully set out in the attached presentation.

Should you have any questions regarding this filing, please do not hesitate to contact me at (202) 955-6300.

Very truly yours,



Mary Jean Fell

Counsel for Rhythms NetConnections Inc.

Enclosure

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Assessment of Verizon's 271 Application

**Rhythms Links Inc.
October 11, 2000**

Checklist Item 1 – Interconnection/Collocation

- **Verizon's collocation at remote terminals offering is inconsistent with the *UNE Remand Order* and does not provide a meaningful opportunity for CLECs to compete.**
- **Verizon's refusal to provide in-place conversions from virtual to physical collocation has caused Rhythms serious problems in terms of customer outages.**
- **In charging for collocation power, Verizon charges by the amps fused, rather than the amps ordered by CLECs, thus raising CLEC costs of doing business.**

Bottom Line: Verizon's collocation offerings have some serious problems that hamper CLECs ability to compete in MA.

Checklist Item 2 – OSS

- **Verizon's GUI interface has been a constant source of problems for Rhythms.**
- **DSL and line sharing orders are processed manually.**
- **Verizon has resisted expanding the hours of the TISOC.**
- **Reps in CLEC Centers (TISOC, RCMC, RCCC) need training.**
- **Verizon's Helpdesk is not responsive to CLEC problems.**

Bottom Line: Individually these problems may not appear substantial, but Verizon's reluctance to address them is a very serious problem that has competitive implications for CLECs.

Checklist Item 4 – xDSL Loops

- **Verizon believes that CLECs want perfection in performance.**
- **Rhythms is not seeking perfection, just parity.**
- **Verizon's *own* data reveal serious problems with xDSL loop performance.**
- **Despite how Verizon may try to explain away this data – it is *Verizon's* data and Verizon bears the burden of establishing its compliance with the Commission's non-discrimination standards.**

Bottom Line: Verizon's data reveal problems with its xDSL-capable loop performance, especially with maintenance and repair performance.

Checklist Item 4 – Line Sharing

- **Verizon is not processing Rhythms' orders on time.**
- **Increases in volume reveal numerous problems:**
 - **COs not wired despite commitment;**
 - **Systems issues (multiple FOCs, extended due dates);**
 - **Reps not knowledgeable about line sharing.**
- **In pursuit of 271 authority in MA, Verizon is ignoring southern states.**

Bottom Line: Rhythms recent experience suggests that Verizon is not ready to provision line sharing orders on any scale.

The Performance Assurance Plan

- **The Massachusetts Department of Transportation adopted a PAP that is similar to the one adopted in New York.**
- **Merely mirroring what was done in New York is not enough, because the New York PAP does not provide adequately for DSL and line sharing.**
- **The Massachusetts PAP needs:**
 - **Additional xDSL measures both in MOE and Critical Measures;**
 - **Line sharing metrics.**

Bottom Line: Verizon's DSL performance will go unchecked post-271 entry without a PAP that adequately addresses these issues.

**VZ-MA's "No Access" Justification for Poor M&R
Performance Data Does Not Add Up¹**

JULY C2C	Verizon	CLEC Aggregate	Verizon Observations	CLEC Aggregate Observations	Z-Score
% Missed Repair Appt. – Loop (MR-3-01) *excludes when access not available	16.62	19.19	355	297	-0.88
Mean Time to Repair – Loop Trouble (MR-4-02) *running clock; no exclusion for no access	26.58	49.78	355	297	-11.11

JUNE C2C	Verizon	CLEC Aggregate	Verizon Observations	CLEC Aggregate Observations	Z-Score
% Missed Repair Appt. – Loop (MR-3-01) *excludes when access not available	13.09	18.90	191	291	-1.85
Mean Time to Repair – Loop Trouble (MR-4-02) *running clock; no exclusion for no access	24.33	48.63	191	291	-12.61

¹ See Verizon, Massachusetts 271 Filing, Guerard/Canny Declaration ¶ 87; Lacouture/Ruesterholz Declaration ¶106.